

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

---

LG. PHILIPS LCD CO., LTD.,

Plaintiff,

v.

CHI MEI OPTOELECTRONICS  
CORPORATION; AU OPTRONICS  
CORPORATION, AU OPTRONICS  
CORPORATION OF AMERICA;  
TATUNG COMPANY; TATUNG  
COMPANY OF AMERICA, INC.; AND  
VIEWSONIC CORPORATION,

Defendants.

Civil Action No. 06-726 (JJF)

---

AU OPTRONICS CORPORATION,

Plaintiff

v.

LG.PHILIPS LCD CO., LTD and  
LG.PHILIPS LCD AMERICA, INC.

Defendants.

Civil Action No. 07-357 (JJF)

CONSOLIDATED CASES

**CHI MEI OPTOELECTRONICS CORPORATION'S  
MOTION TO STRIKE  
PLAINTIFF'S SECOND "FIRST AMENDED COMPLAINT"**

OF COUNSEL:

Kenneth R. Adamo

Robert C. Kahrl

Arthur P. Licygiewicz

Jones Day

North Point

901 Lakeside Avenue

Cleveland, OH 44114-1190

(216) 586-3939

Philip A. Rovner (#3215)

POTTER ANDERSON & CORROON LLP

Hercules Plaza

P. O. Box 951

Wilmington, DE 19899

(302) 984-6000

[provner@potteranderson.com](mailto:provner@potteranderson.com)

*Attorneys for Defendant*

*Chi Mei Optoelectronics Corporation*

Dated: March 4, 2008

Defendant Chi Mei Optoelectronics Corporation (“CMO”), hereby moves this Court for an Order substantially in the form attached hereto striking Plaintiff LG.Philips LCD Co., Ltd.’s (“LPL”) second “First Amended Complaint” filed on May 22, 2007. CMO incorporates by reference its Memorandum in Support of its Motion to Strike Plaintiff’s Second “First Amended Complaint”, filed concurrently herewith, as if fully rewritten herein.

At a minimum, LPL was not authorized to file its second “First Amended Complaint” without leave of this Court or the written consent of the parties. In that pleading (D.I. 54), LPL (1) omitted claims that had been added in the first “First Amended Complaint” filed on April 11, 2007; (2) added a new party, Chi Mei Optoelectronics USA, Inc.; and (3) included two additional counts for declaratory relief of invalidity and non-infringement on four (4) new patents that were at issue in a separate patent infringement action between the parties already pending in the United States District Court for the Eastern District of Texas (Case No. 2-07CV-176 (TJW), filed May 4, 2007).

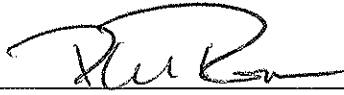
CMO promptly notified LPL that its most recent complaint violated Fed. R. Civ. P. 15(a) and that, before any response would be provided, LPL was required to seek – and obtain – leave to amend its complaint for a second time. CMO also informed LPL that CMO would not oppose such a motion if LPL did not seek *nunc pro tunc* treatment. Despite being put on notice that its pleading was defective, LPL never filed a motion to amend its complaint for a second time. Accordingly, Chi Mei Optoelectronics Corporation’s Motion to Strike Plaintiff’s Second “First Amended Complaint” should be granted.

OF COUNSEL:

Kenneth R. Adamo  
Robert C. Kahrl  
Arthur P. Licygiewicz  
Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, OH 44114-1190  
(216) 586-3939

Dated: March 4, 2008  
852475

POTTER ANDERSON & CORROON LLP

By:   
Philip A. Rovner (#3215)  
Hercules Plaza  
P. O. Box 951  
Wilmington, DE 19899  
(302) 984-6000  
[provner@potteranderson.com](mailto:provner@potteranderson.com)

*Attorneys for Counterclaim-Defendant  
Chi Mei Optoelectronics Corporation*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

**CERTIFICATE OF SERVICE**

I, Philip A. Rovner, hereby certify that on March 4, 2008, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

**BY CM/ECF, -EMAIL AND HAND DELIVERY**

Richard E. Kirk, Esq.  
Ashley Blake Stitzer, Esq.  
The Bayard Firm  
222 Delaware Avenue  
Suite 900  
P.O. Box 25130  
Wilmington, DE 19899  
[rkirk@bayardfirm.com](mailto:rkirk@bayardfirm.com)  
[astitzer@bayardfirm.com](mailto:astitzer@bayardfirm.com)

**BY CM-ECF, EMAIL AND HAND DELIVERY**

John W. Shaw, Esq.  
Karen L. Pascale, Esq.  
Young Conaway Stargatt & Taylor LLP  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
Wilmington, DE 19801  
[jshaw@ycst.com](mailto:jshaw@ycst.com)  
[kpascale@ycst.com](mailto:kpascale@ycst.com)

I hereby certify that on March 4, 2008 I have sent by E-mail the foregoing document to the following non-registered participants:

Gaspare J. Bono, Esq.  
Matthew T. Bailey, Esq.  
Lora A. Brzezynski, Esq.  
McKenna Long & Aldridge LLP  
1900 K Street, NW  
Washington, DC 20006  
[gbono@mckennalong.com](mailto:gbono@mckennalong.com)  
[mbailey@mckennalong.com](mailto:mbailey@mckennalong.com)  
[lbrzezynski@mckennalong.com](mailto:lbrzezynski@mckennalong.com)

Vincent K. Yip, Esq.  
Peter J. Wied, Esq.  
Jay C. Chiu, Esq.  
Paul Hastings Janofsky & Walker LLP  
515 South Flower Street  
Los Angeles, CA 90071  
[vincentyip@paulhastings.com](mailto:vincentyip@paulhastings.com)  
[peterwied@paulhastings.com](mailto:peterwied@paulhastings.com)  
[jaychiu@paulhastings.com](mailto:jaychiu@paulhastings.com)

Ron E. Shulman, Esq.  
Julie M. Holloway, Esq.  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
[rshulman@wsgr.com](mailto:rshulman@wsgr.com)  
[jholloway@wsgr.com](mailto:jholloway@wsgr.com)

M. Craig Tyler, Esq.  
Brian D. Range, Esq.  
Wilson Sonsini Goodrich & Rosati  
8911 Capital of Texas Highway North  
Westech 360, Suite 3350  
Austin, TX 78759  
[ctyler@wsgr.com](mailto:ctyler@wsgr.com)  
[brange@wsgr.com](mailto:brange@wsgr.com)



---

Philip A. Rovner (#3215)  
Potter Anderson & Corroon LLP  
Hercules Plaza  
P. O. Box 951  
Wilmington, DE 19899  
(302) 984-6000  
[provner@potteranderson.com](mailto:provner@potteranderson.com)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

---

LG. PHILIPS LCD CO., LTD., )

Plaintiff, )

v. )

CHI MEI OPTOELECTRONICS )  
CORPORATION; AU OPTRONICS )  
CORPORATION, AU OPTRONICS )  
CORPORATION OF AMERICA; )  
TATUNG COMPANY; TATUNG )  
COMPANY OF AMERICA, INC.; AND )  
VIEWSONIC CORPORATION, )

Defendants. )

Civil Action No. 06-726 (JJF)

---

AU OPTRONICS CORPORATION, )

Plaintiff )

v. )

LG.PHILIPS LCD CO., LTD and )  
LG.PHILIPS LCD AMERICA, INC. )

Defendants. )

Civil Action No. 07-357 (JJF)

CONSOLIDATED CASES

---

**NOTICE OF MOTION TO STRIKE PLAINTIFF'S SECOND  
"FIRST AMENDED COMPLAINT"**


PLEASE TAKE NOTICE that Defendant Chi Mei Optoelectronics Corporation will present Defendant's Motion to Strike Plaintiff's Second "First Amended Complaint" to the Court on Friday, April 11, 2008 at 10:00 a.m.

OF COUNSEL:

Kenneth R. Adamo  
Robert C. Kahrl  
Arthur P. Licygiewicz  
Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, OH 44114-1190  
(216) 586-3939

Dated: March 4, 2008  
852475

POTTER ANDERSON & CORROON LLP

By:   
Philip A. Rovner (#3215)  
Hercules Plaza  
P. O. Box 951  
Wilmington, DE 19899  
(302) 984-6000  
[provner@potteranderson.com](mailto:provner@potteranderson.com)

*Attorneys for Counterclaim-Defendant  
Chi Mei Optoelectronics Corporation*